Juvenile Delinquent Rehabilitation: Placement of Juveniles Beyond Their Communities as a Detriment to Inner-City Youths

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INTRODUCTION

Unfortunately, life’s opportunities are too often shaped by the neighborhoods we are raised in; clearly, there is a vast disadvantage for poor, inner-city, minority children. At the tender age of ten, Jose’s future was drastically altered. His daily walk home from fifth grade on his way to the basketball court at Public School 384 carried him through the intersection of Schaeffer and Wilson Streets, in the notorious high crime neighborhood of Bushwick in Brooklyn, New York.¹ “An old guy,” about thirty years of age, took notice of Jose, talking to him intermittently as he played basketball.² In time, the “old guy,” later revealed to be “Mohammad,” would regularly pass Jose a $50 or $100 bill “just for chillin’ at the hoop.”³ This is a considerable amount of money to a financially underprivileged child, especially considering that it would take Jose’s Latino immigrant father days to earn such salary at his manual labor job doing electrical work.⁴

Inevitably, Mohammad proposed what appeared to be an undemanding

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1. Interview with “Jose” (alias used to preserve attorney-client confidentiality) at City-Challenge Aftercare Services, Office of Children and Family Services in Brooklyn, NY (June 26, 2000) [hereinafter Jose interview].
2. See id.
3. See id.
4. See id.
favor of his new 10-year-old friend, asking that Jose merely signal Mohammad, by tipping his baseball hat, from the basketball court if he happened to see a police car approaching. Jose laughed nervously, “it was easy to see the cops in those big Chevrolets.”

Predictably, Jose became Mohammad’s regular lookout for beat cops and undercover drug officers. Jose was gently persuaded and gradually welcomed into Mohammad’s drug family, and began to become familiar with the customers. “Mohammad is like the older brother I ain’t got.” Mohammad by now became “my man.”

Jose’s appearance presented the ideal lookout for drug dealing, as he was quite small in stature, and as reports later reflected in his New York City Police Department code name, “J.D. [John Doe] Baby Face.” “I’m too little so the police don’t pay no mind to me.” Early in his lookout days, Jose regularly attended school, inspired by Mohammad’s daily $50 incentive, knowing that a truant officer would bring attention to the drug business.

As Jose showed his allegiance, his responsibilities grew. Soon equipped with a walkie-talkie and taught to use code words from the basketball court, like “Tohando,” to inform Mohammad that an unfamiliar face, possibly a decoy, was near, Jose was given a standard work schedule. “My man and their cats had different shifts, I’d be the one looking out and gettin’ $200, $250, or $300 a day.” According to Jose, Mohammad ironically held a full-time day job as a counselor for juvenile delinquents at a local group home.

With promises that Mohammad would “take good care” of him if ever arrested, Jose was persuaded, at the age of thirteen, to start hustling drugs himself. Jose proved successful on the streets, as the police overlooked him for the older juveniles and adult dealers, his babyish look making him virtually invisible. Every school day, from 3:00 - 7:00 p.m., and on
Saturdays, from 7:00 a.m. onwards, Jose sold “bags and G-Packs (10 packs)” of heroin. 20 “I’d see them everyday so if I saw an unfamiliar face, I’d know it was a decoy and I wouldn’t serve him. The customer would have to tell me what the name stamped on the dope was like ‘unabomber,’ ‘no name,’ or ‘deaf row’ and if he couldn’t tell me the name, he’s not gettin’ it. The customers were white boys from Queens and New Jersey, rich guys that had money.”21

Jose’s school attendance inevitably declined, and he was thereafter left back one grade.22 The benefits of working on the streets outweighed any interest in elementary school lessons, as he was now making up to $600 a day.23 “Money be flowing like it ain’t nothing.”24 Deeper and deeper Jose was dragged down into the drug business, assuming more responsibility, incurring greater risks and facing greater danger.25 Jose was asked to store bundles of heroin at his home. “Mohammad would give me a big bag of dope with plastic, wrapped up with tape. I’d have to take a cab home, because I ain’t walkin’ with that. One day he gave me $30,000 worth of heroin and had me hide it in my parents’ house for a whole week.”26

Jose was not a drug user, “I never tried it. I ain’t doing no dope, are you craze? I look at those dope heads and feel sorry for them. Besides, Mohammad would beat me up if I ever did it.”27 Predictably, Mohammad was not the noble protector Jose had naively embraced, as when Jose was arrested on drug charges, not only once, but twice, “my man” was absent.28

As a law guardian, I have represented hundreds of children and juvenile delinquents in New York State Family Courts. Jose was just one of 32,299 children under the age of sixteen arrested in New York that year.29

Jose was a typical client: an inner city kid growing up in a tough and poor neighborhood where gangs, guns, drugs, and violent crime are common.30 Although he came from a two-parent household, ironically with a sister employed by Child Protective Services, Jose lived in a neighborhood ravaged by crime, and the Bushwick ghetto drug dealers penetrated the

20. See id.
21. Id.
22. See id.
23. See id.
24. Id.
25. See Jose interview, supra note 1.
26. Id.
27. Id.
28. See id.
29. Facsimile from Marge Cohen, New York State Division of Criminal Justice Services, Office of Justice Systems Analysis/Bureau of Statistical Services to Theresa Hughes, (Mar. 26, 2001) (on file with author).
thick wall of family values, as they lured this ten year old child into a life of crime.\textsuperscript{31} Living in a neighborhood where there are high levels of crime and poverty increases the risk of involvement in serious crime for all children growing up there.\textsuperscript{32} In Jose’s case, it is essentially elements within the community that are responsible for the stripping of innocence and placing a child at high risk for committing crimes.

Subsequent to court proceedings, juvenile delinquency findings were made to drug charges, and the Department of Probation recommended that Jose be placed in a moderately structured setting.\textsuperscript{33} Although probation stated that Jose only needed close supervision, counseling, and assistance with academics, and although Jose had no other prior delinquency findings, a Brooklyn Family Court judge denied Jose the opportunity to remain in his own neighborhood and enter into a community-based rehabilitation program which had accepted him.\textsuperscript{34} Jose was ordered by the Court to be removed from the community and placed in public confinement hours north of, and a world apart from, his Bushwick community for up to an eighteen month period.\textsuperscript{35} While serving his sentence, according to Jose, he attended school and played basketball, receiving no individual or group counseling, or vocational training.\textsuperscript{36} Due to the mandated closing of the detention facility where Jose resided, approximately sixteen months later, two months short of the anticipated release, he was returned to aftercare within his community, where he was to report after school for the next eight weeks until his sentence was completed.

After being out of his neighborhood for such a considerable period of time, while being driven home to his parents’ apartment in Bushwick, he passed the intersection of Schaeffer and Wilson Streets only to feel the familiarity, as he saw Mohammad in the same position which he had left him sixteen months prior, across from the basketball court, while the others continued to hustle drugs.\textsuperscript{37} Of course, not much had changed, and the same problems that originally got Jose into trouble still existed.\textsuperscript{38}

When I met Jose during the first week of his release to aftercare, the months he spent away had shown a good deal of change, as his baby face features had been replaced with tougher, detached, and more street smart

\textsuperscript{31} See Jose interview, supra note 1.
\textsuperscript{32} See Panel on Juvenile Crime: Prevention, Treatment, and Control, Juvenile Crime Juvenile Justice 79-83, 89-100 (Joan McCord et al. eds., 2001) [hereinafter Juvenile Panel].
\textsuperscript{33} See Jose interview, supra note 1.
\textsuperscript{34} See id.
\textsuperscript{35} See id.
\textsuperscript{36} See id.
\textsuperscript{37} See id.
\textsuperscript{38} See id.
features. Although he vowed that he was not going to be hustling, the temptation would repeatedly pose itself. 39 McDonald’s was only offering $5.15 an hour, and his former high-paying job on the streets of Bushwick was still available. 40 Jose had not been rehabilitated from a life of delinquency, rather merely stowed away in a lock-up facility far away from his own neighborhood, as time passed in Bushwick awaiting his return.

PREMISE

As there are children at this very moment who are engaging in drug dealing, gang activities, and various other acts of delinquency, and as the forecast predicts that the youth population will increase over the next decade, there is virtually no one who does not want to see the level of juvenile crime decrease. 41 The debate rests in the method by which the social order attempts to decrease such crime. Should juvenile delinquency be treated within or outside of the child’s community? If juvenile crime is directly related to social welfare issues surrounding these children’s lives, such as poverty, inadequate housing and education, racism, child abuse, and drug addiction, “[e]radicating juvenile crime without addressing [the] relationship to these other issues is an impossibility.” 42

When the juvenile justice court was founded in the United States over one hundred years ago, it generally rested on the belief that children lacked the moral maturity of adults, and, as such, children were not entirely responsible for their actions. 43 Children were seen as being quite different from adults and needed to be protected, nurtured, and treated, rather than held completely responsible and punished for their acts. 44 The courts and society were sympathetic to the external influences, almost always circumstances beyond the child’s control, which often propelled the child into criminal activity, such as poverty, abuse, and neglect. 45 The response to juvenile crime was not to punish, but rather to rehabilitate the child by availing him to treatment services designed to help him cope with negative

39. See Jose interview, supra note 1.
43. See id. at 1303.
44. See id.
social pressures in non-delinquent ways, because children could be turned from their deviant ways, not by threats of punishment, but by changing the child’s thinking, goals, and values.  

However, the philosophical basis of the juvenile justice system has shifted, from the late nineteenth century common interest of rehabilitating the juvenile delinquent to the current “lock ‘em up” culture. Society has become preoccupied with punishment, and historical non-punitive rehabilitative notions have not been realized. At some point society lost sight of the original goal of reducing juvenile crime and refocused on punishing the child for his wrongs. The youth are sent to state facilities with hostile environments, receiving little to no rehabilitation, and then “later released from incarceration where they are reintroduced to a society in which they cannot succeed.” The “lock ‘em up” approach fails to significantly reduce rates of recidivism and in turn, recycles unhealed juvenile delinquents onto the streets from which they came.

Many of the neighborhoods to which juveniles are returning in New York City are crime infested. Along with the many studies that identify inequality as a strong indicator of crime, the most noticeable signs of inequality, impoverishment, and despair are undoubtedly seen in the urban ghetto, which defines the high crime area. Much of the problem with juveniles repeatedly committing acts of delinquency stems from the economic, geographic, and racial inequalities born by children on these inner-city streets. New York City now holds an overall poverty rate of twenty-five percent, with thirty-seven percent of children living in poverty. The borough of Brooklyn boasts an appalling fifty-two percent of New York City homicide suspects being persons under age twenty-one.

Some juvenile delinquency researchers have theorized that the increase in

46. See id.
47. See generally NAT’L CRIM. JUST. ASS’N, supra note 41, at 3.
50. See BRUCE FREDERICK, NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES, FACTORS CONTRIBUTING TO RECIDIVISM AMONG YOUTH PLACED WITH THE NEW YORK STATE DIVISION OF YOUTH, 13 (1999).
52. See JUVENILE PANEL, supra note 32, at 3.
juvenile crime can be attributed to the mid 1980’s inner-city crack epidemic, holding that the expansion of the crack cocaine market led to drug dealers recruiting children as low-level sellers, carriers, and lookouts. These children were recruited because they worked for less, took greater chances, and were more likely to escape detection and punishment. These juveniles carried guns and other weapons which thereafter became staples in gang and drug market battles.

As the rate of juvenile crime increased dramatically in the mid-1980’s through the early 1990’s, the rate of juvenile arrests increased. From their neighborhoods within the urban ghetto of New York City, juvenile delinquents have been regularly removed by the courts and placed in institutional confinement, oftentimes in rural settings. Without the familiarities of their families and schools and facing the daily negative peer and criminal influences, “from a rehabilitative perspective, there are inherent limits to what can be accomplished in such an artificial environment.” Such confinement and isolation from the community may punish the child, but only exacerbate the problem of juvenile crime, as evident from recidivist rates.

Moreover, it costs a taxing $244.65 per day, or $89,297.25 per year, to house a youth in a New York State secure detention facility – about three times as much as it costs to send a student to an Ivy League college. In contrast, the cost of placing a child in a model community-based alternative-to-detention program in New York City is approximately $1,800 per year, a mere $4 per day.

It is not only the youths who are troubled, but also the inner-city communities in which they live. In order to make our communities safer for all citizens, adults, and children alike, we must properly address the need for effective rehabilitation. Healing crime infested inner-city communities may not be a viable short-term objective. However, the goal of reducing crime can be reached through rehabilitation training while the juvenile lives within

54. See NAT’L CRIM. JUST. ASS’N, supra note 41, at 4.
55. See JUVENILE PANEL, supra note 32, at 4.
56. See id. at 97-100.
57. See id. at 2.
58. See FREDDERICK, supra note 50, at 22.
59. Id.
60. See id. at 1.
63. See ANDREW GLOVER YOUTH PROGRAM, NEW YORK, NEW YORK, BROCHURE, 23 (Jan. 1999) [hereinafter ANDREW GLOVER BROCHURE].
his own neighborhood, and has to face and reject the daily lure of criminal activity. In addition, it is crucial to give children real alternatives to selling drugs and engaging in delinquent activity.64

With an emphasis on New York City, this article will explore: the juvenile’s right to effective rehabilitation; how this right is being overshadowed by society’s demand for pure punishment; how predominant juvenile rehabilitation in residential state placement is failing youth as well as society; the most effective methods of discouraging juvenile delinquency as demonstrated by existing alternative-to-detention programs; and finally, this article will offer suggestions for effective community-based rehabilitation for inner-city youths.

THE JUVENILE’S RIGHT TO REHABILITATION IN NEW YORK STATE

In theory, once the state takes custody of a juvenile delinquent, “it must provide treatment to effectuate that rehabilitation.”65 In New York State, the Family Court has jurisdiction to take custody of delinquent children, between the ages of seven and fifteen, who have been found to have “committed an act that would constitute a crime if committed by an adult.”66

Juvenile delinquency proceedings in New York State Family Court are considered quasi-criminal in nature and effect, and consequently must comply with the same due process safeguards applicable to adults in criminal proceedings. Therefore, children are entitled to full trials, consisting of a fact-finding and dispositional hearing.67 Of concern to this article is the dispositional stage, wherein the court decides the appropriate placement for the child.68 At the dispositional stage, the court must not think in terms of guilt or innocence, but of the child’s need for protection and rehabilitation, considering more than the delinquent act itself no matter how extreme or violent it may have been.69 The court has a great deal of discretion in deciding whether the child’s needs should be met through supervision, treatment, or confinement.70 However, the court must consider the “least restrictive alternative” when deciding whether to sentence the

64. See Smith, supra note 51, at 961.
child to placement or probation, and to order a conditional discharge.\(^71\)

Historically, the juvenile justice system's sentencing procedure, branded "disposition," was rendered following a relatively informal and flexible conference with the probation officer, the juvenile and his parent or guardian.\(^72\) Steering the child away from a life of crime was the goal of the progressive reformers who led the juvenile court movement, with the view that a juvenile court judge was not to adjudicate and sentence the youth, but was to identify the conditions which had led him astray and to treat the child for those conditions. Thus, under the doctrine of *parens patriae* — "the State as parent," the original juvenile court statutes promised that the child who was removed from his family by a judge would receive the care, custody, and discipline that his parents should have provided.\(^73\)

In contrast to criminal sentencing, which is substantially retributive in nature, the current delinquency dispositional phase is in theory still considered essentially rehabilitative in nature.\(^74\) However, in 1976 the purpose of the New York State juvenile delinquency statutes was given a new thrust in that the court was now mandated to weigh the competing considerations of the needs and best interests of the juvenile with the need for protection of the community.\(^75\) The inclusion of this new criteria — protection of the community — in effect weakened, if not directly conflicted with the historical purpose of the juvenile’s needs and best interests,\(^76\) creating a smoke screen for the unofficial third criteria: punishment of the juvenile.

**HISTORICAL SHIFT FROM REHABILITATION TO PUNISHMENT**

> [W]hat is strikingly clear from th[e] research is that the headlong rush to ever-greater incarceration in the name of ‘getting tough on young thugs’ is unjustified. For all but the truly violent few, investing in a continuum of graduated care makes better sense in every dimension — for our youth, for

\(^{71}\) See N.Y. Fam. Ct. Act § 352.2(2) (McKinney 2000).


\(^{74}\) See Besharov & Sobie, *supra* note 72.


our communities, and, not least, for our pocketbooks.  

Perhaps juvenile justice policy is itself delinquent or possibly the goal has actually been intentionally shifted away from the rehabilitative philosophy of the founders. What began as an American system designed to rehabilitate juveniles is moving increasingly toward a conservative system that punishes them. Theories offered to justify the shift from rehabilitation to punishment include: punishment is a deterrent to future juvenile offenders; punishment incapacitates juvenile offenders and prevents them from committing future offenses; and punishment satisfies society’s desire for accountability and retribution. Especially during the last decade, society has rejected the juvenile court’s traditional ideal of rehabilitation in favor of more punitive, offense-oriented sanctions, and, in effect, blurred the lines between juvenile and adult justice systems. Even the Juvenile Justice and Delinquency Prevention Act of 1974, which focused on the needs of the youth, has been replaced by the demand for a more penalizing response, focusing on the crime alleged to have been committed.

This new “get tough” approach is in direct contradiction to recent research. This research illustrates that it may be counter-productive to treat juveniles as adults. Further, even though an ever-increasing number of juveniles are being detained and incarcerated, there is “evidence that most juveniles can be treated equally or more effectively in the community than in secure confinement, without jeopardizing community safety.”

In reality, this newly adopted “get tough” approach appears to be justifying punishment not on the grounds that it will deter, prevent, or rehabilitate an offender, but rather on the ground that the delinquent deserves to be incarcerated as appropriate punishment. However, this theory flies in the face of the purpose of the juvenile justice system, reducing it to the mere vindication of private wrongs, and mirroring the adult court system.

78. See Child or Adult? A Century Long View, supra note 73.
80. See JUVENILE PANEL, supra note 32, at 4; Sheffer, supra note 45, at 481.
82. See JUVENILE PANEL, supra note 32, at 4.
83. Id.
84. See Sheffer, supra note 45, at 481.
It is clear from statistics that stiffer sentences for juveniles result in increased crime.\textsuperscript{86} However, with overwhelming pressure from society to “get tough,” it is unlikely that our elected officials will lead the way to increase funding for alternatives-to-detention for juveniles.\textsuperscript{87} “In State capitols [as well] it’s difficult to support expenditures that might reduce crime and prison costs in years to come when voters are clamoring for action now.”\textsuperscript{88}

Whether this recent trend toward stiffer sentences is a direct reaction to nationally publicized high-profile cases of violent juvenile crime, the result of a society that has grown less sympathetic and tolerant, or stems from other reasons altogether, the impact is ultimately on those in need of rehabilitation.\textsuperscript{89} Either way, sheer punishment virtually ignores the goal of restoring juveniles to being productive members of society.\textsuperscript{90} The instinct to punish is not about the failure of rehabilitation after years of experience. Many suppose that we have never made a serious, nationwide attempt to rehabilitate juvenile offenders, and further many of the few successful statewide rehabilitation programs have since lost their funding.\textsuperscript{91}

The trend towards punishment and increased detention has resulted in neither safer New York communities, nor more effective juvenile rehabilitation. The juvenile housed in a facility that focuses on retribution is more likely to re-offend than one who is placed in a center with a goal of rehabilitation.\textsuperscript{92} Traditional juvenile justice systems that remove the children from the community into detention facilities have failed to adequately rehabilitate juvenile offenders.\textsuperscript{93}

\textbf{DISPOSITION NEW YORK STYLE}

When youth are adjudicated as juvenile delinquents and the prosecutor and/or the Department of Probation are recommending placement, decisions about such a placement are made by a private or state agency. Of the two, the preferred choice of the youth is virtually always a private agency. Nearly all private agencies, such as Lincoln Hall, located forty miles north of New York City in Westchester County, and St. Mary’s Children and

\begin{itemize}
\item \textsuperscript{86} See Campbell \textit{supra} note 49, at 358.
\item \textsuperscript{87} See \textit{Nat’l. Crim. Just. Ass’n, supra} note 41, at 8.
\item \textsuperscript{88} State Legislatures, \textit{Ounce of Prevention}, 14-16, National Conference of State Legislatures, Denver, Colo. (May 1995).
\item \textsuperscript{90} See Smith, \textit{supra} note 51, at 960.
\item \textsuperscript{91} See Frederick, \textit{supra} note 50, at 5-8.
\item \textsuperscript{92} See Hardung, \textit{supra} note 72, at 159.
\item \textsuperscript{93} See Yeckel, \textit{supra} note 79, at 336.
\end{itemize}
Family Services, are mandated residential and are located in non-urban settings. They are also less restrictive than state placements.\textsuperscript{94} State facilities are more secure, often with the stereotypical barbed wire and fencing.\textsuperscript{95} If the youth is on remand status pending the outcome of disposition, he usually will be held in one of the local inner-city detention facilities such as Spofford, Bridges or Crossroads.\textsuperscript{96} Here the youth is interviewed by the private facility’s social worker, often times at the request of defense counsel, in hopes of securing a bed/placement in one of the private facilities. If the youth is rejected by a private facility, it is generally because either the underlying delinquent act was too serious, the youth is perceived as too aggressive to mix with the current facility’s population or, most unfortunately, because the youth’s family is dysfunctional, availing no viable release plan.\textsuperscript{97}

If the youth is rejected from private placement, the court will usually place the adjudicated youth in the custody of New York State with the Office of Children and Family Services (OCFS), the organization charged with the care and “rehabilitation” of the child.\textsuperscript{98} Once placed in a state facility, the youth is committed to OCFS custody for a definite term of twelve to eighteen months, renewable upon court order, in either a secure, limited secure or non-secure detention facility, a group home, day treatment or evening reporting center. Despite the thousands of New York City adjudicated delinquents, there are currently very few OCFS group homes offered. Currently, within New York City, OCFS only offers as “non-security community-based facilities” three evening reporting centers, two homes for pregnant girls and a sole group home and a City Challenge Home in Brooklyn, with no group home offerings in the boroughs of Manhattan and Queens.\textsuperscript{99}

Whether in a state (OCFS) or private placement, these facilities are considered non-community-based, and the youth is mandated to reside at the facility on a full-time basis.\textsuperscript{100} The youth does not live with his family,
nor does he attend school or work within his own community despite data demonstrating that “incarcerated juveniles have higher rates of physical injury, and mental problems, and they have poorer educational outcomes, than do their counterparts who are treated in the community.”

**RACE, GEOGRAPHY, GENDER AND ECONOMICS**

A number of recent surveys have shown that there are profound racial disparities in the juvenile justice system, that Black and Hispanic youth are more likely to be tried as adults, receive longer sentences, and more likely to be in locked facilities.

Race, geography, gender and economics are clearly factors in the likelihood of youth being brought into the juvenile justice system. These factors raise equality issues and have long-term fairness implications. Data clearly shows that for most jurisdictions across the country, minority youths (especially Black) are disproportionately over-represented within the juvenile justice system. For example, while Blacks constituted twelve and a half percent of the population in 1994, they accounted for nearly twenty-nine percent of the juveniles arrested, with more than half of the arrests for violent crime, including fifty-nine percent of the juvenile homicide arrests nationally. In 1997, there were 1018 Black juveniles in residential placement for every 100,000 Black youths in the population compared to only 204 White youths per 100,000. In 1998, although only fifteen percent of those under age eighteen were Black, these youths made up forty-two and three-tenths percent of the juvenile arrests for violent crime. Along with being disproportionately arrested, minority youth are more likely to be placed in secure detention facilities, while White youth are more likely to be housed in private facilities or diverted from the juvenile justice system altogether.

In a review by Pope and Feyerherm, it was found that juvenile court cases

101. JUVENILE PANEL, supra note 32, at 5.
103. See NAT’L CRIM. JUST. ASS’N, supra note 41, at 3.
105. See NAT’L CRIM. JUST. ASS’N, supra note 41, at 4.
106. See SNYDER & SICKMUND, supra note 104, at 193.
107. See JUVENILE PANEL, supra note 32, at 6.
108. See SNYDER & SICKMUND, supra note 104, at 193.
in urban settings are more likely to receive severe outcomes at various stages of the judicial process than are cases in non-urban areas, and because minority populations are concentrated in inner-cities, the effect may work to the disadvantage and overrepresentation of minority youth.\textsuperscript{109}

In 1997, minorities accounted for sixty-three percent of juveniles committed nationally to residential placement, with only thirty-seven percent of Whites entering placement.\textsuperscript{110} In New York State, 152 White youths, per 100,000, were placed for every 1936 minorities placed.\textsuperscript{111} The overrepresentation of minority youths within the juvenile system is partially explained by the risk factors associated with crime, such as living conditions, with more minority children residing in communities characterized by concentrated poverty and social disorganization.\textsuperscript{112}

Although New York State’s Family Court has softened its language, and prefers employing words such as “placement” rather than “incarceration,” the reality is that 5891 youths were in fact incarcerated in OCFS facilities during the year 1998. They were taken out of their homes and communities and placed away in residential facilities without having the freedom to leave.\textsuperscript{113} Nationwide too many children are being placed in these detention facilities, which are not providing needed treatment and rehabilitative services.\textsuperscript{114} Staff are often underpaid and untrained to treat the youths properly.\textsuperscript{115}

During 1998, OCFS saw 2382 new admissions, a five percent increase in placements since the prior year.\textsuperscript{116} This amounts to forty-two of every 10,000 youths between the ages of twelve and seventeen having contact with the agency in New York State.\textsuperscript{117}

Even though New York City comprises only five of sixty-two counties within New York State, these five lead all counties in juvenile placement admissions.\textsuperscript{118} Although only forty percent of New Yorkers live within the

\textsuperscript{109} See id. at 193.
\textsuperscript{110} See id. at 195.
\textsuperscript{111} See Snyder & Sickmund, supra note 104, at 197.
\textsuperscript{112} Juvenile Panel, supra note 32, at 228-29, 238-42.
\textsuperscript{113} See New York State Office of Children and Family Services, Youth in Care: 1998 Annual Report, at ii (1999) [hereinafter Youth in Care Report].
\textsuperscript{115} See id.
\textsuperscript{116} See Youth in Care Report, supra note 113, at ii.
\textsuperscript{117} See id.
New York City youth were two and one-half times more likely to end up in an OCFS facility. This translated into sixty-five percent of all youth taken into custody in 1998 being from New York City.

Locked-up youth in New York are primarily inner-city Black and Latino males. Of these 2382 New York delinquents newly admitted into OCFS custody, a towering eighty-six percent were non-white, while only 336 were White youths. Of the 1998 juvenile delinquents in New York State OCFS custody, males were the disproportionate majority over females, at the rate of eighty-six percent over fourteen percent, with only 335 females. However, nationally, the rate of increase in arrest and incarceration has been larger in recent years for girls than boys, and the seriousness of the crimes that girls have committed has also increased. Of the 2.5 million juvenile arrests nationally in 1999, twenty-seven percent were females.

Family Affect

Of the 1998 New York State facility admissions, seventy-two percent of the youths came from households with only one or no parent present. More than half of all juvenile delinquents imprisoned in state institutions have immediate family members who have also been incarcerated. Poor parenting practices have been found to be important risk factors for juvenile delinquency, such as: absence of parental supervision; exposure of the child to overt conflict or child abuse and neglect; inappropriate discipline; lack of emotional warmth; and parental stress.

Recidivist Rates – Detention as an Artificial Setting

“We need to educate them and socialize them. Take them away from home

120. See Youth in Care Report, supra note 113, at 38.
121. See id. at ii, 38 (1515 inner-city delinquents were taken into custody, as opposed to only 841 upstate New York delinquents being taken into custody).
122. See id. at 2, 4.
123. See Youth in Care Report, supra note 113, at 2.
124. See Juvenile Panel, supra note 32, at 11.
126. See Youth in Care Report, supra note 113, at ii.
127. See Andrew Glover Brochure, supra note 63, at 9.
128. See Juvenile Panel, supra note 32, at 66-69.
and reprogram them, if you will."  

Despite the above callous analogy of Peter Reinharz, juvenile delinquents apparently do not respond well to encoding. It is evident that the recent focus on punishing juveniles in detention facilities away from their homes has resulted in increased recidivism rates and a lower likelihood that youths will be educated and rehabilitated. In the past two decades the rate of juveniles placed nationally in institutions has increased substantially. Locally, in New York State, most of the youths placed in OCFS custody were proven recidivists, at an alarmingly high rate of eighty-one percent of males and forty-five percent of females being arrested within thirty-six months of discharge from state custody. With statistics such as these, the perception is that rehabilitation has failed.

The Office of Justice Systems Analysis Report, “Factors Contributing to Recidivism Among Youth Placed with The New York State Division for Youth,” attributes two potential problems consistent with high recidivism rates. The first problem is the inconsistency among staff within service settings. The second problem is the discontinuity of programming among service settings, especially in the transition from residential confinement to aftercare. Both residential staff and aftercare staff cite the lack of continuity between residential programming and aftercare as a problem potentially contributing to high recidivism rates. Residential staff suggested that their efforts may be ineffective because they do not carry through on aftercare, and because the youth faced difficult circumstances upon returning to their home communities. For example, youths are released from confinement and sent back into their communities, losing attachments made during their confinement and having been taught non-delinquent ways in a synthetic environment that is non-reflective of their own neighborhood. In order to be effective, the juvenile justice system must focus on the socioeconomic background of the child.

129. Gross, supra note 89, at B25 (quoting Peter Reinharz, Chief Prosecutor, New York City Family Court).
130. See Harding, supra note 72, at 154, 156-57.
131. See JUVENILE PANEL, supra note 32, at 6.
132. See FREDERICK, supra note 50, at 5, 21.
134. See FREDERICK, supra note 50, at 17.
135. See id. at 17-18.
136. See id. at 18.
137. See id. at 21.
Youths are not readapting to their neighborhood surroundings upon being released from placement. Many “experts now recommend a more gradual transition into the community,” with a period of intensive supervision. However, intensive supervision that focuses primarily on surveillance has not been shown to decrease recidivism.

If the long-term goal is to return these children to their families, the transition to the community must either start at an earlier stage or the transition must be eliminated with rehabilitation starting and ending within the child’s own community.

In contrast to the high OCFS recidivist rates among youths in detention, “[m]ale [juveniles] who received their primary residential care in community-based facilities had a rearrest rate … which was ten to twenty percentage points lower than the rates for most individual limited secure and non-secure centers.” Perhaps this is so because the lessons learned in residence, may, in fact, not be applicable in the usual social environments that youth encounter upon return. Although some of “[t]he skills and attitudes promoted in residential programs may be useful in conventionally-oriented environments such as school or work; they may or may not be applicable at home; and they may be dangerous to the youth in relationships with peers ‘on the street.’” Treatment in a detention facility ignores the goal of treating the whole child in a multidisciplinary way, which includes addressing the youth’s needs in both the family and community context.

**HOME COMMUNITY AS A FACTOR IN RECIDIVIST RATES**

“[I]t is clear that youth released to some communities face a substantially greater risk of recidivism than similar youth released to other communities.” Where a youth resides affects the opportunities and resources that are available to him, and if surrounded by crime, poverty, joblessness and housing density, a child is more likely to see criminal behavior as an acceptable alternative. It is the neighborhood where the

139. See Frederic\, supra note 50, at 20-21.
140. See id.
141. Frederic\, supra note 50, at 20.
142. See id.
143. Id. at 13.
144. Id. at 21.
145. See Smith, supra note 51, at 955.
146. Frederic\, supra note 50, at 22.
147. See Juvenile Panel, supra note 32, at 79-80.
child lives which influences the child’s behavior, as it provides the most evident examples of the values that people hold. 148 Thus, communities in which criminal activity is widespread tend to establish criminal behavior as being within acceptable limits. 149 There is a clearly established relationship between criminal activity and poverty, as youth crime is notoriously concentrated in poor, urban areas. 150 As poverty levels increase, the rate of juvenile delinquency increases. 151 When juvenile homicide rates peaked recently, a quarter of all apprehended youths in the entire United States were arrested in just five counties, of which New York County was one. 152

In a 1989 study comparing juvenile delinquents residing in different New York City neighborhoods, it was shown that youths from the [W]hite, working-class areas aged out of crime much faster than their [B]lack and Hispanic peers living in neighborhoods characterized by racial and ethnic segregation, . . . poverty, . . . joblessness, and single-parent households. The youths from the more disadvantaged areas had less access to employment and more freedom to experiment with illegal activity as a result of lower levels of informal social control in their immediate neighborhoods. 153

The Office of Justice Systems (OJSA) Report, analyzing various New York State juvenile detention factors in 1999, speaks to factors associated with the risk of recidivism, such as gender and geographic region. “Across conditions, [one of the factors] most consistently associated with the risk of recidivism [was] . . . community characteristics.” 154 Additionally, “[a]ggregate characteristics of localities were among the strongest predictors of recidivism. In every one of the twenty-two risk control models, one or more geographic factors remained significant even after accounting for available measures of youths’ educational histories, family histories, household characteristics, selected mental health characteristics, and criminal histories.” 155

These statistics reinforce the notion that it is the ghetto that regularly brings into being the juvenile delinquent and that rehabilitation outside of the community sets the child up for failure upon return to his own neighborhood post detention. If the child is removed from his community

148. See id.
149. See Juvenile Panel, supra note 32, at 80.
150. See id. at 89.
151. See id.
152. See id.
154. Frederick, supra note 50, at 1.
155. Id. at 21.
for detention and subsequently replaced within the same community, facing the exact criminal temptations that originally led the child astray, reintegration is problematic and it is likely that child will become a repeat offender.

SUCCESSFUL JUVENILE DELINQUENT REHABILITATION

“If you send a kid upstate, you get a better educated criminal and a more angry person.”156

In forming a dispositional/sentencing decision, the Family Court Judge is charged with considering the “least restrictive alternative,” and may only send the youth to a restrictive placement as a last resort.157 The current shortage, however, of alternatives-to-incarceration for New York City youths severely undercuts the decision-making process. The lack of community-based rehabilitation programs and finances to fund such programs has ultimately forced more punitive sanctions in secure facilities.158 Upon release from one of its residential detention facilities, OCFS offers some after-care services: Evening Reporting Centers, which operate in the evenings and on weekends, while youth work or attend school in the daytime; Home-Based Intensive Supervision (H.B.I.S.), which offers supervision and services in the home community; and an Electronic Monitoring Program, which monitors adherence to curfew requirements.159

Although the majority of youths placed with OCFS are from New York City, only a very small number of these inner-city children have had the opportunity for one of the aforementioned aftercare programs.160 For example, the H.B.I.S. program provides intensive supervision to youth in their communities, but at the end of 1998 only fourteen youths were participating in the program.161 Furthermore, this program was not offered in New York City, but rather only in Monroe and Albany counties, which are located north of New York City. For New York City youth the only intensively supervised community-based program offered by OCFS is “City

156. Telephone interview with Kerry Wallace, Director, Choices for Youth (Nov. 21, 2000) [hereinafter Wallace interview].
158. See JUVENILE PANEL, supra note 32, at 5.
159. See YOUTH IN CARE REPORT, supra note 113, at 31.
160. See id. at 33.
161. See id.
Challenge,” a Brooklyn-based program. However, this program provided services to the insignificant number of thirty-four youths at the end of 1998.162

Although there were 55,360 juveniles under sixteen years of age arrested in New York City from 1995 to 1999, very few of these youth have the opportunity to attend an alternative-to-detention program due to the small number of programs offered.163 Although OCFS considers eleven out of their forty-two facilities to be community-based, such is a misnomer as youth are mandated to live within the facility. 164

Genuine community-based rehabilitation programs in New York City include: the Center for Alternative Sentencing (CASES), the Church Avenue Merchants Block Association (C.A.M.B.A. a.k.a. “Choices for Youth”), the Dome Project, the Andrew Glover Project and The Youth Advocacy Project. Each of these non-profit organizations boasts high success and low recidivism rates, claiming that they are able to solve the problems that got the youths into trouble in the first place.165 While participating and being monitored, each community-based program requires that the youth remain living at home with his family, attending his own school. Attending his local school, the youth gains academic credit unlike in an OCFS facility, where school credit does not transfer to the youth’s local school upon release.

1. We run our program with a “Come-back-to-the-community-and-get-plugged-back-in-right-away” philosophy.166

Kerry Wallace, Director of Choices for Youth, declares that he believes in “education all the way.”167 Wallace proudly boasts that his program’s recidivist rates have been impressively low – with only fifteen of the 300 youths served in the last three years re-committing delinquent acts. Success of the program can be attributed to close supervision, individual and group sessions, tutoring, vocational counseling and positive reinforcement as the youths learn to integrate into their own communities as law-abiding

162. See id. at 35.
164. See Facsimile from the New York State Office of Children and Family Services to Theresa Hughes, Supervising Attorney, Hofstra University School of Law Child Advocacy Clinic, (Feb. 12, 2001) (on file with author).
165. See ANDREW GLOVER BROCHURE , supra note 63, at 4.
166. Wallace interview, supra note 156.
167. Id.
members. The program is currently licensed to take up to only seventy Brooklyn resident juveniles for the six to eighteen month program. Although this center at one time ran two programs, “Youth Achieve,” for non-substance abusers, and “Oasis,” for substance abusers only, Youth Achieve lost its federal funding in 1999 and is now defunct. Unfortunately, despite great demand, the program is now only addressing the needs of seventy juveniles with substance abuse issues.

2. The staff take the time to find out what these young people are facing in their lives and to pinpoint the specific issues that will help them to move in a positive direction. In my view, CASES offers a model for the administration of justice that is fair, safe and effective.

As the oldest standing and largest alternative-to-incarceration program in New York City, CASES serves as the ideal model with intensive supervision, guidance, support and a recidivist rate of only twenty percent -- more than one-third lower than the rate of reconviction for comparable youths sentenced to placement in a facility. With funding from the state, city and private donations, this community-based program serves approximately 260 youths at one time. Participants report to the program’s Manhattan center virtually daily, attending educational classes, G.E.D. preparation, computer classes, employment counseling, internships, HIV peer education, and recreational programs. The program requires strict adherence to rules and regulations, while youths attend school on a full-time basis or maintain employment. If a participant fails to meet the program’s conditions, CASES returns the youth to court for a violation of the court’s dispositional order and the youth may then face placement.

168. See id.
169. See id.
170. See id.
171. See id.
172. CENTER FOR ALTERNATIVE SENTENCING AND EMPLOYMENT SERVICES (CASES), CASES BROCHURE 10, New York, N.Y. (quoting Michael Gage, Former Administrative Judge, New York City Family Court) [hereinafter CASES BROCHURE].
173. See id. at 3.
174. See Telephone Interview with Laurie Held, Center for Alternative Sentencing and Employment Services, (Feb. 2, 2001) [hereinafter Held interview].
175. See CASES BROCHURE, supra note 172, at 3.
3. The program seeks to modify the individual’s behavior and concentrate on questions of socially acceptable behavior. 176

The Dome Project, a twenty-eight-year-old Manhattan-based alternative-to-incarceration program, serves youth between the ages of eleven through twenty-one within New York City, with a goal of helping each participant maintain a life free of crime.177 Despite an impressively low fifteen percent recidivist rate for the year 2000, state and private funding allows a caseload of only fifty-five juveniles, amounting to only 125 kids per year.178 Christine Venuti, the program’s juvenile justice coordinator, attributes the high success rate to the intense services offered such as individual counseling, family sessions, group workshops, recreation, close monitoring of school attendance, job placement assistance, and one-to-one attention given to each individual’s needs.179

4. Community-based rehabilitation brings kids back into the community, as opposed to jails where they are learning to perfect their criminal skills. 180

The Youth Advocacy Project, a component of the Center for Community Alternatives, specifically addresses the problems that lead Brooklyn-based youth to their delinquent behavior by providing intensive services to youth under the age of sixteen years.181 Youth attend the program three times per week after school to receive counseling and family support, group services, home and school monitoring and periodic staff home visits.182 Funding limitations, however, allow only seven to thirteen youths to attend the program concurrently.183

5. I am not a believer in kids walking the streets. I am a believer that some need jail, but the majority need support. You can send a kid to a city or state facility at the cost of $60,000 or more a year, where he will be dumped into a placement with no services, or to our intensive community-based program for $1,800. Community-

177. See id.
178. See Telephone Interview with Christine Venuti, Juvenile Justice Coordinator, The DOME Project (Feb. 8, 2001) [hereinafter Venuti interview].
179. See id.
180. Telephone Interview with Patrick Thomas, Director, Youth Advocacy Project (Feb. 9, 2001) [hereinafter Thomas interview].
181. See id.
182. See id.
183. See id.
based programs are the solution.\textsuperscript{184}

The privately funded Andrew Glover program, is fighting to make the community safer by teaching kids to become members of the work force rather than repeating crimes.\textsuperscript{185} Seven out of ten youths enrolled in the program stop delinquent and criminal activity and go on to become productive members of society.\textsuperscript{186} Program Director Angel Rodriguez asserts that he brings to the court “more than a rap sheet and complaint,” allowing kids from the Lower East Side of Manhattan to have an advocate in court who has worked with the youth in his own home, on the streets, and in the playground.\textsuperscript{187} The program maintains twenty-four hour supervision, 365 days a year, by assigning each youth a “Youthworker,” keeping the program doors open until late at night, equipping his ten person staff with beepers, requiring curfew checks and regular monitoring. Youthworkers must be available twenty-four hours a day and the program must operate on the streets where the youths spend most of their time.\textsuperscript{188} The Andrew Glover Program helps with family problems and counseling, provides job readiness classes, health and art classes, regular speakers (such as judges, police officers, and recruiters,) refers the youth for drug counseling, and offers employment and educational assistance.\textsuperscript{189} Aside from community-based rehabilitation programs, Rodriguez claims, “the only other way to get out [of the inner-city ghetto] is those blue buses that take the kids upstate.”\textsuperscript{190}

These programs mirror the philosophy of the founders of the juvenile justice system. Despite the powerfully low recidivist rates and the lower cost, these types of community-based programs are the minority in juvenile rehabilitation in New York City benefiting only a few hundred youths, while the majority is placed in state detention facilities.\textsuperscript{191}

\textbf{PROPOSALS}

Based on current trends of incarceration and placement, it is apparent that society does not favor a community-based solution to juvenile crime. Ironically, national public opinion surveys show that a significant majority favor rehabilitation and treatment, rather than punishment for juveniles.\textsuperscript{192}

\textsuperscript{184} Telephone Interview with Angel Rodriguez, Director and Founder, Andrew Glover Youth Program (Feb. 8, 2001) [hereinafter Rodriguez interview].
\textsuperscript{185} See id.
\textsuperscript{186} See ANDREW GLOVER BROCHURE, supra note 63, at 5.
\textsuperscript{187} See Rodriguez interview, supra note 184.
\textsuperscript{188} See id.
\textsuperscript{189} See id.
\textsuperscript{190} Id.
\textsuperscript{191} See JUVENILE PANEL, supra note 32, at 176-82.
\textsuperscript{192} See Mabel Arteaga, Note, Juvenile Justice with a Future . . . for Juveniles, 2
A 1991 University of Michigan survey revealed that seventy-one percent of those surveyed believed that all but the most serious juvenile offenders should be supervised in community-based programs that focus on rehabilitation, while only twenty-nine percent favored residential correctional institutions. The majority stated that they wanted their tax dollars invested in programs incorporating the restorative justice philosophy, which emphasizes the use of restitution to victims and service to the community. They also wanted young offenders to have access to job training, and to be placed in community-based programs that focus on education and counseling within the local community. These survey results mirror recent studies of delinquency which have shown that successful treatment techniques have had larger positive effects when utilized within the community rather than institutional settings, demonstrating that the chances of rehabilitating troubled youths are higher for those who participated in community-based programs as opposed to those sent to institutional settings. However, these opinions are not reflected by current juvenile justice policy and the government has repeatedly failed to allocate resources to effective rehabilitative programs.

“Few states . . . claim to have the resources to tackle all aspects of youth violence and crime prevention at once.” Additionally, policymakers often want a guarantee that a rehabilitation program will produce a definitive outcome, because voters want immediate results. The President’s Crime Prevention Council (PCPC), based partially on the notion that youth do not have the decision-making capacity of adults, recommends that states searching for the right balance of services for delinquents target their efforts to the types of programs that currently exist in the jurisdiction, and add programs that have been shown to have a positive impact on youth misconduct.

A child is a unique being and requires a separate and special response to criminal behavior. As “juvenile crime necessarily results from individual, family, and environmental factors, it is unwise to attempt to prevent juvenile

194. See id.
195. See id.
196. See Krisberg, supra note 77, at 25, 58.
197. See Holland & Mlyniec, supra note 65, at 1794.
199. See id. at 11.
201. See Nat’l CRIM. JUST. ASS’N, supra note 41, at 10-11.
crime by removing juveniles from the conditions to which they will eventually return. The juvenile court’s placement system should be reevaluated in light of the demonstrated success of the New York City alternative-to-detention programs. There should be more community-based juvenile rehabilitation programs integrating the following services and resources to help the youth while he resides within his own neighborhood.

1. Family Involvement - Rehabilitation must integrate the family in order to be effective. Since the family is the first social group that a child is exposed to, its structure is critical in the development of the youth’s character. It is “[t]he home environment [that] is especially critical [and] could be the influence that determines what type of environment is dominant in the youth’s [life].” Rehabilitationists firmly advocate that providing a nurturing environment for juvenile delinquents will develop new, positive self-images that will, in turn, result in lower juvenile crime rates.

2. Educational Assistance & Support - Since juvenile delinquency is associated with poor school performance, truancy and leaving school at a young age, the rehabilitation program must monitor school performance and behavior and provide needed support and referrals.

3. Individual and Family Counseling - Family counseling plays an essential role in rehabilitating the youth, as families often contribute significantly to the juveniles’ troubling behavior. Also, reducing alcohol and drug abuse among parents may improve their ability to parent, which will reduce family-related risk factors for delinquency. Counseling, parenting skills and referrals may be helpful for both the youth and the parents.

4. Recreation - There is a crime-averting effect to youth recreation facilities. Recreation should be used as a tool that enables young people to gain necessary life skills; it provides an outlet, and if coupled with comprehensive services, enables youths to make good and appropriate


204. Only a small portion of juveniles are arrested for serious crimes. See JUVENILE PANEL, supra note 32, at 102-03; see also O’Connor & Treat, supra note 42, at 1343-44.

205. See Hardung, supra note 72, at 142.

206. FREDERICK , supra note 50, at 21.

207. See JUVENILE PANEL, supra note 32, at 9.

208. See Levesque & Tomkins, supra note 203, at 101.

209. See JUVENILE PANEL, supra note 32, at 9.

210. See id. at 130.
choices. Midnight basketball programs in themselves are simply not enough, but rather must be joined with strong youth development programs which give youth the self-empowerment skills to be successful. Leaders who are involved with decision-making need to work on a goal-oriented agenda and engage youth in risk behavior modification, adventure and entrepreneurial programs.

5. Community Cooperation - “Mobilizing communities – including youth – and developing stronger ties between community residents, service providers, and law enforcement officials have proven to be critical components of crime prevention.” As the youth will be reporting to and counseled at a local site, it is essential not to have opposition from the community. Also, the participation of local volunteers and mentors, comprised of community members, parents and police, plays an active and positive role in providing the youth with appropriate direction.

6. Peer Group Reinforcement - As employed by currently operating programs, peer group reinforcement provides an effective vehicle for emphasizing non-criminal behavior. However, such peer groups must maintain adult supervision. Studies have shown that peer groups without adult supervision are not only ineffective, but may at times be harmful, since high-risk youth are particularly likely to reinforce one another’s deviant behavior when they are grouped together for intervention.

7. Street Supervision - Around the clock supervision provides access for the youths to a support system while monitoring their behavior. It has also proven to be an integral part of successful rehabilitation.

8. Various services should be made available through the coordination of local programs, including, but not limited to: vocational training, therapy, mental health services, parental involvement, mentoring, community service, and drug and alcohol rehabilitation.

CONCLUSION

Rehabilitation is a promising word in this era of alarmingly high...
Perhaps it is time to genuinely revisit the late nineteenth century objective of earnestly trying to transform youth into law-abiding citizens.\(^{2}\) Denying a child a nurturing and familiar environment during the rehabilitation process will likely result in future criminal activity.\(^{3}\) Rehabilitation requires treatment of juveniles as opposed to punishment.\(^{4}\) Treatment acknowledges the socioeconomic factors that bear upon the youth’s life; focuses on instilling positive values; provides an incentive to invest in programs; and is at least successful, if not more, in deterring future crime.\(^{5}\) The formula for successfully responding to juvenile delinquency with treatment has been successfully utilized by the previously detailed community-based programs, as well as many others outside New York City. Replication of these programs is needed through a genuine commitment from society coupled with a financial assurance by government and private donors.

The Panel on Juvenile Crime: Prevention, Treatment and Control was charged with numerous tasks including analyzing the full range of juvenile crime research.\(^{6}\) The panel, at the outset, recommends that community-based rehabilitation programs be expanded, and that the federal government provide states with federal funding and incentives in order to reduce the use of secure detention by developing community-based alternatives that should replicate the existing, successful programs.\(^{7}\) The panel further held that research showed that treating the youth within the community does not in fact compromise public safety, but rather may improve it through reduced recidivism.\(^{8}\) As individual, social and community conditions, and peer interactions influence the behavior of delinquent youth, effective rehabilitation calls for services addressing all of these controls.\(^{9}\)

The infinite list of compelling reasons for finally investing in community-based juvenile rehabilitative programs as true alternatives-to-detention starts with the simple right of each child to be given the opportunity to learn to continue walking as he passes through the intersection of Schaeffer and Wilson Streets.

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\(^{2}\) See generally Frederick, supra note 50, at 1.


\(^{4}\) See generally Frederick, supra note 50, at 1.

\(^{5}\) See generally Day, supra note 138.

\(^{6}\) See O’Connor & Treat, supra note 42, at 1343-44.

\(^{7}\) See Juvenile Panel, supra note 32, at 14.

\(^{8}\) See id. at 7.

\(^{9}\) See id. at 8-9.